

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KING MARKET, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
BB&T INSURANCE SERVICES, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant BB&T Insurance Services, Inc. ("Defendant"), hereby gives notice of the removal of this cause of action from the Circuit Court for Davidson County, Tennessee to this Court. The grounds for removal are as follows:

1. Plaintiff King Market, Inc. ("Plaintiff") commenced this action by filing a Complaint in the Circuit Court for Davidson County, Tennessee, Case No. 16-C-3194, against the Defendant (hereinafter the "State Court Action"), on December 8, 2016. Summons in the State Court Action were also issued on December 8, 2016.

2. On or about December 14, 2016, Defendant's registered agent received a copy of the Summons and Complaint via certified mail. True and exact copies of the Summons and Complaint are attached hereto as **Exhibit 1**. Exhibit 1 constitutes all process, pleadings, and orders served upon Defendant in the State Court Action. *See* 28 U.S.C. § 1446(a).

3. Plaintiff is a Tennessee for-profit corporation with its principal address located at 1801 Antioch Pike in Antioch, Davidson County, Tennessee 37013. *See* Plaintiff's Tennessee Secretary of State filings, attached hereto as **Exhibit 2**; *see also* Compl., ¶ 1. Plaintiff is

registered in Tennessee as a Tennessee for-profit corporation and its principal place of business is located in Davidson County, Tennessee. *Id.*

4. Defendant is a North Carolina for-profit corporation with its principal place of business located at 3605 Glenwood Avenue in Raleigh, North Carolina 27612-4954. *See* Defendant's North Carolina Secretary of State Corporation Information, attached hereto as **Exhibit 3**.

5. Complete diversity of citizenship under 28 U.S.C. § 1332 exists between the parties because Plaintiff is a citizen of Tennessee and Defendant is a citizen of North Carolina.

6. Plaintiff's Complaint alleges that the Defendant is liable to Plaintiff under a theory of negligence. *See* Complaint, ¶¶ 19-22. Plaintiff seeks a judgment against Defendant "in the amount of \$208,008.00." *See* Complaint, Demand ¶ 2. Therefore, pursuant to 28 U.S.C. § 1332, the amount in controversy in this matter exceeds the jurisdictional minimum of \$75,000.

7. This Court has original jurisdiction of this case pursuant to 28 U.S.C. § 1332(a), as amended, because the amount in controversy exceeds the jurisdictional minimum of \$75,000, and this action is between citizens of different states. Therefore, under 28 U.S.C. § 1441, *et seq.*, this case is properly removable pursuant to diversity jurisdiction under 28 U.S.C. § 1332(a).

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), because the United States District Court for the Middle District of Tennessee, at Nashville, is the federal judicial district embracing the Circuit Court of Davidson County, Tennessee, where this action was originally filed.

9. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446 because it is being filed within thirty days of receipt of the Complaint by Defendant. *See* 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1446(d), Defendant will file a copy of this Notice of Removal with the Circuit Court for Davidson County, will provide prompt notice to Plaintiff, and will file proof of service of all notices and filings with the Clerk of the United States District Court for the Middle District of Tennessee. A true and correct copy of the Notice of Filing of Notice of Removal is attached hereto as **Exhibit 4**.

11. By filing this instant Notice of Removal, Defendant does not waive, and fully reserves, all defenses it may have, including but not limited to, potential statute of limitations defenses, and/or Plaintiff's failure to state a claim upon which relief may be granted.

12. Based on the foregoing, Defendant respectfully requests that the United States District Court for the Middle District of Tennessee accept this Notice of Removal and assume jurisdiction of this cause and issue such further order and processes as may be necessary to bring before it all parties necessary.

WHEREFORE, Defendant hereby removes the above-captioned action from the Circuit Court for Davidson County to the United States District Court for the Middle District of Tennessee.

Respectfully submitted,

/s/ Joshua A. Mullen

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on January 11, 2017, I caused a copy of the foregoing Notice of Removal to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Further copies were provided to the parties below via U.S. Mail, postage pre-paid.

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/s/ Joshua A. Mullen
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